

## OVERVIEW OF THE RULES OF COURT

Rules of Court for the National Court and/or the Supreme Court have been, with the exception of the *Companies Rules* Chapter No 146, made by the Judges under s 184 of the *Constitution*. The present Rules are:

1. *ADR Rules 2022*
2. *Bail Rules 2021*
3. *Companies Rules* Chapter No 146
4. *Court Reporting Rules 2022*
5. *Criminal Practice Rules 2022*
6. *Defence Force Proceedings Rules 2021*
7. *Election Petition Rules 2017*
8. *Matrimonial Causes Rules 2022*
9. *National Court Rules 1983*
10. *Supreme Court Rules 2012*

Note that, when citing the Rules, just like other legislation, the name of the Rules is *italicised* and the year (which represents the year that the Rules were made by the Judges) is not.

Do not complicate your reference to the Rules by adding “as amended” or describing the period over which the Rules have been amended, eg do not refer to the *National Court Rules 1983-2021* or the *Election Petition Rules 2017-2022*.

It is a good practice to provide the full title including the year when you first refer to the Rules, and after that omit the year.

The method of referring to provisions of the Rules varies according to the Rules you are referring to.

The more complex and lengthier Rules are the *ADR Rules 2022*, the *Criminal Practice Rules 2022*, the *Matrimonial Causes Rules 2022*, the *National Court Rules 1983* and the *Supreme Court Rules 2012*. Each of these Rules is set out as follows:

Orders

Divisions

Rules

Within some rules, there are sub-rules

The numbering of the rules restarts at the beginning of each Order.

There is a long form and a short form way of referring to a provision in these Rules. The long form is:

- Order is spelt with a capital O
- rule is spelt with a lower-case r
- one space between Order number and rule number
- no comma between Order and rule.

Example of long form:

The requirements for determining the age of a person who appears to be a juvenile are set out in Order 3 rule 4 of the *Criminal Practice Rules 2022*.

The short form is:

- Order is signified by a capital O
- rule is signified by a lower-case r
- one space between O number and r number
- no comma between O and r.

Example of short form:

The requirements for determining the age of a person who appears to be a juvenile are set out in O 3 r 4 of the *Criminal Practice Rules 2022*.

Do not describe sub-rules or any other more complex division of a rule, eg do not state Order 5 sub-rule 8(1), as it becomes too complicated and is unnecessary, particularly for the very complex provisions introduced by the 2005 amendments to the *National Court Rules*. Order 10 rule 9A(15)(2)(a) is fine. O 10 r 9A(15)(2)(a) is also fine. Don't try to describe it as a sub-sub-sub rule.

The shorter Rules, viz the *Bail Rules 2021*, the *Court Reporting Rules 2022*, the *Defence Force Proceedings Rules 2021* and the *Election Petition Rules 2017* are not divided into Orders. They just start at rule 1 and go through to rule 24 for the *Bail Rules*, rule 6 for the *Court Reporting Rules*, rule 7 for the *Defence Force Proceedings Rules* and rule 22 for the *Election Petition Rules*.

There is a long form and a short form way of referring to a provision in these Rules The long form is:

- spell rule with a lower-case r
- one space between rule and the rule number.

Example of long form:

The obligations of the Public Prosecutor once the office is served with a bail application are set out in rule 7 of the *Bail Rules*.

The short form is:

- signify rule with a lower-case r
- one space between r and the rule number.

Example of short form:

The obligations of the Public Prosecutor once the office is served with a bail application are set out in r 7 of the *Bail Rules*.

The *Companies Rules* Chapter No 146 are in a class of their own. They predate Independence and are not set out using the modern form of drafting. They will be repealed and replaced by a new set of Rules, using the modern form of drafting.

JUSTICE CANNINGS  
CHAIR, RULES COMMITTEE  
17 May 2024